

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WAYNE VAN SCOY,

Plaintiff and
Counterclaim-Defendant,

v.

VAN SCOY DIAMOND MINE OF
DELAWARE, INC., a Delaware corporation,
KURT VAN SCOY, and DONNA VAN SCOY,

**Defendants and
Counterclaim-Plaintiffs.**

Case No. 05-108 (KAJ)

NOTICE OF FILING OF MOTION

PLEASE TAKE NOTICE that the Motion of Defendants Van Scoy Diamond Mine of Delaware, Inc., Kurt Van Scoy and Donna Van Scoy for Summary Judgment, has been filed on this date.

FOX ROTHSCHILD, LLP

/s/ Sharon Oras Morgan
Sharon Oras Morgan
Delaware Bar No. 4287
919 North Market Street
Suite 1300
Wilmington, DE 19801
Telephone: (302) 622-4246
Facsimile: (302) 656-8920
E-mail: smorgan@foxrothschild.com
Attorneys for Defendants and
Counterclaim Plaintiffs

Dated: October 25, 2005
OF COUNSEL:
Charles N. Quinn Esquire
Fox Rothschild, LLP
2000 Market Street, 10th Floor
Philadelphia, PA 19103
Telephone: (215) 299-2135
Facsimile: (215) 299-2150